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Attorneys for Defendant and Cross-Claimant,  
HANJIN SHIPPING CO., LTD.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

|                                      |                           |
|--------------------------------------|---------------------------|
| LG ELECTRONICS U.S.A., INC. and LG ) | <u>IN ADMIRALTY</u>       |
| ELECTRONICS, INC., )                 |                           |
| Plaintiffs, )                        | Case No. CV 14-02559 SJO  |
| v. )                                 | (ASx)                     |
| M/V STADT FREIBURG, its engines, )   | Honorable S. James Otero  |
| tackle and apparel, in rem; STADT )  | CROSS-CLAIM FOR INDEMNITY |
| FREIBURG T&H SCHIFFAHRTS GMBH & CO ) |                           |
| KG, in personam; EVERGREEN MARINE )  |                           |
| CORP., in personam; and HANJIN )     |                           |
| SHIPPING CO., LTD., in personam, )   |                           |
| Defendants. )                        |                           |
| HANJIN SHIPPING CO., LTD., )         |                           |
| Cross-Claimant, )                    |                           |
| v. )                                 |                           |
| STADT FREIBURG T&H SCHIFFAHRTS )     |                           |
| GMBH & CO KG, in personam; )         |                           |
| GREENCOMPASS MARINE S.A., in )       |                           |
| personam, )                          |                           |
| Cross-Defendants. )                  |                           |

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1 COMES NOW, Hanjin Shipping Co., Ltd., assuming the position  
2 of cross-claimant pursuant to Rule 13(g), Fed. R. Civ. P., and,  
3 upon information and belief, alleges, avers, and states as  
4 follows:  
5

6 1. Made cross-defendants are Stadt Freiburg T&H  
7 Schiffahrts, GMBH Co., KG, the owner or owner pro hac vice of the  
8 M/V STADT FREIBURG, and Greencompass Marine S.A., its time  
9 charterer.  
10

11 2. If required, this Court has subject matter jurisdiction  
12 over the claims for relief set forth herein under admiralty and  
13 maritime jurisdiction. 28 U.S.C. §1333. Cross-claimant invokes  
14 Rule 9(h), Fed. R. Civ. P.  
15

16 3. At Shanghai, China, on or about January 7, 2014, forty-  
17 eight (48) ocean shipping containers owned or leased by Hanjin  
18 and their alleged cargoes were loaded and stowed aboard the M/V  
19 STADT FREIBURG by the cross-defendants, and each of them, and  
20 placed in the actual custody of the cross-defendants, and each of  
21 them, for carriage by sea to Los Angeles, California.  
22

23 4. Plaintiff alleges that while the containers and their  
24 cargoes were aboard the M/V STADT FREIBURG in the custody and  
25 possession of the cross-defendants, their agents, subcontractors,  
26 servants, and employees, and each of them, the containers fell  
27 overboard during heavy weather, resulting in the loss and/or  
28 damage to the containers and the alleged cargoes inside.

1        5.    Upon information and belief, cross-defendants' sea  
2 carriage of the subject containers and cargo was performed on  
3 Hanjin's behalf pursuant to contracts of affreightment, tariffs,  
4 bills of lading, voyage and/or time charterparties, and/or slot  
5 allocation and vessel sharing agreements.

6  
7        6.    Hanjin has performed all terms, conditions, and  
8 covenants required on its part to be performed on its part, if  
9 any, in accordance with the terms and conditions of the contracts  
10 of affreightment, tariffs, bills of lading, voyage and/or time  
11 charterparties, and/or slot allocation and vessel sharing  
12 agreements, except those whose performance is excused.

13  
14        7.    Hanjin alleges that if the plaintiffs sustained any  
15 damages by reason of the matters alleged in the Complaint, which  
16 is denied, such damages were caused by the cross-defendants, and  
17 each of them, and their respective agents, servants, and  
18 employees, as a result of their primary and active fault,  
19 negligence, and/or breach of express or implied duties and  
20 warranties as owners, charterers, carriers, bailees, or other  
21 persons owing a duty of care, in contract, at law, or in equity,  
22 during the loading, stowage, transport, handling, care, and  
23 custody of the containers and cargo by the cross-defendants,  
24 while Hanjin's negligence, if any, was passive and secondary,  
25 and/or imputed to it solely by operation of law.

26  
27    ///

28    ///

1        8. Hanjin alleges that if and to the extent it is adjudged  
2 to have any liability for the alleged loss or damage to the  
3 plaintiffs' goods, which liability is denied, and to the extent  
4 Hanjin sustained damages in its own right for damage to its  
5 containers and salvage and transshipment costs in a sum no less  
6 than \$200,000, Hanjin is entitled to indemnity from cross-  
7 defendants, and each of them, plus an award of attorney's fees  
8 and costs incurred by it in the defense of the plaintiff's  
9 Complaint.

10  
11        WHEREFORE, defendant and cross-claimant Hanjin Shipping Co.,  
12 Ltd., prays as follows:

13  
14        1. That plaintiff take nothing by its Complaint on file  
15 herein, and that said Complaint be dismissed with prejudice;

16  
17        2. That in the event Hanjin is held liable to the  
18 plaintiff, Hanjin be given judgment on its Cross-Claim for  
19 indemnity, against cross-defendants Stadt Freiburg T&H  
20 Schiffahrts, GMBH Co., KG, and Greencompass Marine, S.A., and  
21 each of them;

22  
23        3. That cross-claimant receive an award of attorney's  
24 fees, expenses, and court costs; and

25  
26 ///

27 ///


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1           4.    For such further relief as this Court may deem just and  
2 appropriate.

3  
4 DATED:   April 14, 2014

SWAIN & DIPOLITO LLP

5  
6 By:

  
MICHAEL L. SWAIN  
Attorneys for Defendant and  
Cross-Claimant,  
HANJIN SHIPPING CO., LTD.